

Remarks

In the Office action, the examiner restricted pending claims 1-12 into two groups: Group I, defined as being drawn to a method of making a semiconductor device, included claims 6-10 and Group II, defined as being drawn to a semiconductor device, included claims 1-5 and 11-12.

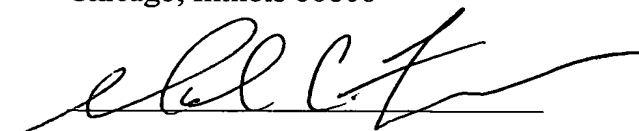
In light of the above amendments to claim 6, the applicant respectfully traverses the restriction and elects claims 1-5 and 11-12 (Group II) for prosecution in the event that the restriction requirement is maintained.

In making the restriction requirement, the examiner reasoned that the product as claimed in Group II "can be made by another and materially different process such as one in which the well is formed prior to the formation of the photodiode." By way of the foregoing amendments, claim 6 has been broadened to remove any interdependencies that may have existed regarding the fabrication sequence of the first potential well and the photodiode. The examiner's reasoning for the restriction requirement cannot be valid in light of amended claim 6, which is broad enough to cover any temporal relationship between the formation of the well and the formation of the photodiode. It is respectfully submitted that the products of claims 1-5 and 11-12 cannot be made by a materially different process than the process recited in amended claim 6. Accordingly, the applicants respectfully request that the examiner withdraw the restriction requirement.

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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